

**REMARKS**

By this amendment, claims 1, 3-5, 8, 10-12, 15, 17-19, 22, 24-26, 29, 31-36, and 38 are pending, in which claims 1, 8, 15, 22, and 35 are currently amended. Claims 2, 6, 9, 13, 16, 20, 23, 27, and 39 were previously canceled. No new matter is introduced. The claim amendment merely incorporate subject matter that has been previously searched and examined (features of dependent claims 7, 14, 21 and 28); therefore, these changes are not believed to raise new issues requiring further consideration and/or search, and it is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

The Office Action mailed July 14, 2006 rejected claims 1, 7, 8, 14, 15, 21, 22, 28, 29, 31, 32, 34-36, and 38 under 35 U.S.C. § 103(a) as obvious based on *Carneal et al.* (US 6,282,542 B1) in view of *Persistent Client State HTTP Cookies* ([http://wp.netscape.com/newsref/std/cookie\\_spec.html](http://wp.netscape.com/newsref/std/cookie_spec.html)) [hereinafter *Netscape*] and in further view of *Cohen et al.* (US 6,330,561). Claims 3, 10, 17 and 24 were rejected under § 103(a) as obvious based on *Carneal et al.* and *Netscape* in further view of *Cohen et al.* and *Sridhar et al.* (US 6,226,701 B1), and claims 4, 11, 18 and 25 were rejected under § 103(a) as obvious based on *Carneal et al.* and *Netscape* in further view of *Cohen et al.* and *Quantum Prime Communications* ([www.qpcomm.com/vsat\\_info.html](http://www.qpcomm.com/vsat_info.html)) [hereinafter *Quantum*]. Furthermore, claims 4, 11, 18, and 25 were rejected under § 103(a) as obvious based on *Carneal et al.*, *Netscape*, and *Cohen et al.* in further view of *Quantum*. Claims 5, 12, 19, and 26 were rejected under § 103(a) as obvious based on *Carneal et al.*, *Netscape* and *Cohen et al.* in further view of *Marks et al.* (US 6,463,447 B1), and claim 33 was rejected under § 103(a) as obvious base on *Carneal et al.*, *Netscape* and *Cohen et al.* in further view of *Harrison et al.* (US 6,249,914 B1). Also, claims 35, 36, and 38 were rejected under § 103(a) as obvious base on *Carneal et al.* and *Netscape* in further view of *Harrison et al.* (US 6,249,914 B1). Additionally, claims 1, 8, 15, 22 and 35 were rejected under § 112, first paragraph, as failing to comply with the written description requirement.

In response to the § 112, first paragraph written description rejection, Applicants have amended the independent claims to remove the negative limitation of "not being marked as uncachable," even though the manner in which this feature is recited in the claims has full support in the Specification. For example, paragraph [41] of Applicants' Specification states the following (Emphasis Added):

[41] These forwarding criteria may include the following: (1) object size, and (2) "cacheability." That is, upstream server 107 may only forward objects that are of a predetermined size or less, so that large objects (which occupy greater bandwidth) are not sent to the downstream server 105. Additionally, **if the embedded object is marked uncacheable, then the object may be forwarded to the downstream server 105, which by definition will not have the object stored.** The upstream server 107 may be configured to forward every retrieved embedded object, if bandwidth is not a major concern. Or, upstream server 107 may apply configurable rules to decide which objects to forward. For example, upstream server 107 may examine the HTTP headers of the objects and forward objects which have a short time to live since such objects, while cacheable, are less likely to still be fresh in the downstream server cache 115.

Therefore, the above passage describes that forwarding of the object depends on whether or not the object is marked as uncacheable. Previously, Applicants merely stated the condition in the negative "not marked": prior claim 1 recites **"forward the object based on a predetermined criteria** relating to the object, **including** time-to-live of the object and **the object not being marked as uncacheable**, over a data network to the downstream proxy server prior to the client transmitting another message requesting the object."

Nevertheless, Applicants have amended the claims to restate the condition of uncacheability as a positive limitation. For example, amended claim 1 recites **"forward the object based on a predetermined criteria** relating to the object, **including** time-to-live of the object and **the object being marked as uncacheable**, over a data network to the downstream proxy server prior to the client transmitting another message requesting the object."

Furthermore, to reduce issues for Appeal, Applicants have incorporated the features of dependent claims 7, 14, 21 and 28 (now canceled) into the respective independent claims 1, 8, 15 and 22. Additionally, claim 35 was likewise amended. Each of the independent claims, as amended, recite "content **including an Hypertext Markup Language (HTML) page** specifying an object from a content server."

The Office Action relies on *Harrison et al.* for a supposed teaching of determining whether the object is cacheable. Applicants have presented this argument previously, but restates such argument for convenience. The *Harrison et al.* system's notion of determining cacheability is very different from the claimed invention, and in fact, teaches away from the claimed invention. A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be

considered. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc.*, 796 F.2d 443, 230 USPQ 416

(Fed. Cir. 1986). For example, *Harrison et al.* (col. 13: 22) discloses the following (*Emphasis added*):

... parser 408 is responsible for parsing the separated associated data to determine whether the associated data objects are of a cacheable type or a non-cacheable type, and identified them for local data manager 38 accordingly. The classification of cacheable and non-cacheable associated data objects are application dependent. **Any number of associated data object types, like text etc., may be classified as non-cacheable, whereas any number of other associated data object types, like HTML pages, may be classified as cacheable.** Furthermore, any one of a number of known techniques may be employed to determine and identify whether an associated data object is a cacheable or a non-cacheable type. In other embodiments, parser 408 also extracts property information describing the associated data objects from the associated data objects. Examples of property information include whether an associated data object contains adult content, inappropriate subject matter, or content unsuitable to the viewer age group and so forth.

The above passage suggests that all HTML pages are cacheable, thereby undercutting the objective of avoiding transmissions over the high latency communication link.

Further, the *Harrison et al.* system provides no disclosure on determining cacheability on an object by object basis; namely, the claims recite, for example, **"forward the object based on a predetermined criteria relating to the object, including time-to-live of the object and the object being marked as uncacheable."**

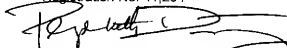
In view of the foregoing, it is submitted that the proposed combinations of *Carneal et al.*, *Netscape* and *Cohen et al.* with *Harrison et al.* are unsustainable. Moreover, the applied art of record, alone or in combination, fails to disclose all the features of the claimed invention.

Accordingly, Applicants respectfully request the indication that amended independent claims 1, 8, 15, 22, and 35 be allowable, along with the corresponding dependent claims 2-5, 9-12, 16-19, 23-26, 29, 31-34, 36, and 38.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

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